



AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

Gabino BARRERA-Delgado )

Case No. 8:18-MJ-31 (GLF)

Defendant )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 20, 2018, in the county of Clinton in the Northern District of New York the defendant violated:

*Code Section*

8 U.S.C. § 1325(a)(2)

*Offense Description*

Eluding examination or inspection by immigration officers.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*Complainant's signature*

Chad R. Downie, Border Patrol Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: January 22, 2018

*Judge's signature*

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

*Printed name and title*

*United States of America v. Gabino BARRERA-Delgado*

On January 20, 2018, at approximately 9:54am, Champlain Border Patrol Agents received a call from Swanton Sector 640 Dispatch, regarding a suspicious person at the Mountain Mart gas station in Mooers, NY. Border Patrol Agent M. Robischon responded to the Mountain Mart and interviewed an employee at that location. The employee stated that at approximately 5:30am, a male entered the store, covered in pieces of vegetation and snow, and asked to change his clothes in broken English. After changing, the individual asked the workers to call him a taxi to take a bus to New York City. C&L Taxi arrived at approximately 6:30am to pick up the individual. The employee stated that the male had curly black hair, wearing a brown jacket, white shoes and a black backpack.

Border Patrol Agents J. Boucher and T. Kinblom responded to the Plattsburgh bus station and located an individual matching the description given by the Mountain Mart employee. The individual was identified as Gabino BARRERA-Delgado. When questioned as to his citizenship, BARRERA-Delgado stated he was a citizen of Mexico, and admitted he was present in the United States illegally. BARRERA-Delgado was placed under arrest and transported to the Champlain Border Patrol Station.

At the station, BARRERA-Delgado was read his Miranda rights in the Spanish language by BPA C. Dengler and witnessed by BPA T. Kinblom, BARRERA-Delgado waived his right to have an attorney present during questioning. During the interview BARRERA-Delgado stated that he had applied for a visa to go to the United States and that the visa was denied by United States immigration officials in Distrito Federal, Mexico, so he purchased an airplane ticket from Mexico to Toronto, Canada. He was admitted into Canada under a visa waiver. He stated that he went to a store in Toronto to purchase winter clothing, and then took a bus to Montreal, Quebec. BARRERA-Delgado stated he then took a taxi from Montreal to the Hemmingford, Quebec and was dropped off near the border where he walked around the Port of Entry and entered the United States illegally. He stated that he was in Canada for less than twenty-four hours before entering the United States.

BARRERA-Delgado said that he walked for approximately two hours before coming to a gas station where he changed his clothes and called a taxi. He took the taxi to the bus station located in Plattsburgh, New York, he purchased a bus ticket to Chicago, Illinois where he was going to visit his sister. Border Patrol Agent Bradley Kirkpatrick went to the area described by BARRERA-Delgado and observed a single set of southbound footprints in the snow from Canada into the United States, approximately two-tenths of a mile (.2) to the east of the Customs and Border Protection Port of Entry in Mooers, New York.